

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

April 22, 2016

REPLY TO THE ATTENTION OF

**CERTIFIED NO.:**  
**RETURN RECEIPT REQUESTED**

James R. Laubsted  
Sr. Facility Compliance Manager  
Clean Harbors  
Spring Grove Resource Recovery, Inc.  
4879 Spring Grove Avenue  
Cincinnati, Ohio 45232

Re: *Notice of Deficiency - March 22, 2016 Application to Operate a Commercial PCB Storage Facility Submitted under 40 CFR § 761.65*

Dear Mr. Laubsted:

Enclosed please find a Notice of Deficiency (NOD) concerning the March 22, 2016 application submitted by Clean Harbors - Spring Grove Resource Recovery, Inc. (CHSGRR) to the United State Environmental Protection Agency, Region 5 (EPA) to operate a commercial PCB storage facility at CHSGRR's facility located in Cincinnati, Ohio. The NOD sets forth EPA's comments on the application, all of which will need to be addressed by CHSGRR in order for EPA to proceed with its review of the application.

Currently, CHSGRR is operating under an interim storage approval issued on February 5, 1990. On November 10, 2015, EPA requested an updated version of a PCB commercial storage application previously submitted to EPA. On March 22, 2016, EPA received an application from Clean Harbors dated August 23, 2002, that was not updated and which did not contain a cover letter to the Regional Administrator or any current information, as required by 40 CFR § 761.65. EPA may approve your application only upon a determination by the Regional Administrator that CHSGRR's operations of the commercial storage facility will not pose an unreasonable risk of injury to health or the environment. The application submitted by CHSGRR does not provide sufficient information for EPA to make this determination. In order for EPA to make a proper risk determination, SGRR must provide the requested information and address all of the comments provided in the NOD (attached to this letter).

EPA requires the requested information be provided within sixty (60) days from the date of receipt of this letter. If you are unable to provide the required information within the allotted time, you may request an extension, listing the reasons for your request and indicating when the requested information can be provided. Failure to provide the information by the required date or failure to request and obtain an extension will result in the EPA issuing a denial of your application for commercial storage of PCBs. Submittal of this information does not ensure EPA's approval nor does it preclude us from requiring additional information if continued review indicates it is needed.

The information should be submitted to Lisa Graczyk, of my staff, at the above address. In addition, please copy Robert A. Kaplan, the Acting Regional Administrator of EPA, Region 5 on your response, as this will provide proper notice of the submission of your current application to EPA under 40 CFR § 761.65. If you have any questions regarding this letter or any of the information requested, please contact Lisa Graczyk at (312) 353-3219.

Sincerely,



Mary S. Setnicar  
Chief  
RCRA/TSCA Programs Section

Attachment: April 14, 2016, NOD -- EPA Comments on the Clean Harbors SGRR Application to Operate a Commercial PCB Storage Facility

cc: L. Graczyk, EPA, RCRA/TSCA Programs Section (LR-8J)  
J. Steketee, EPA, ORC (C-14J)

## ATTACHMENT

### Notice of Deficiency

#### EPA Comments on Clean Harbors SGRR Application to Operate a Commercial PCB Storage Facility

April 14, 2016

The following EPA comments are based on a review of the Clean Harbors Spring Grove Resource Recovery, Inc. (CHSGRR) Application to Operate a Commercial PCB Storage Facility, dated August 23, 2002, resubmitted on March 22, 2016 (the Application). The review was conducted to determine whether the Application meets the requirements of § 761.65, 761.79, and 761.180. These comments describe in specific detail what is missing or deficient in the Application. In addition, CHSGRR should independently review 40 CFR § 761.65(d)(3) to confirm that all of the PCB commercial storage application requirements found under subsections (i) through (x) have been properly met in the Application, i.e. all of this information has been provided to EPA and is up to date. If not, please update the Application accordingly.

1. **Certification.** This certification of compliance with the storage facility standards at 40 CFR § 761.65(b) and (c)(7) must be current and must be signed and dated by the owner or operator of the facility.
2. **Section 2.1, Company Ownership.** Confirm that the information in this section is up to date. If it is not up to date, revise this section accordingly.
3. **Section 2.2, Key Personnel.** Confirm that the information in this section is up to date. If this section is not up to date, revise it accordingly.
4. **Section 3.3.1.2, Tank Storage Area.** Design specifications are provided here but the exact tank referred to is not listed. Indicate that Tank TK-4 is the PCB storage tank referred to in this section.
5. **Section 3.3.2, Vehicle Storage Areas, and Drawing 5384-S-03, PCB Store Areas Layout and Details.** According to drawing 5384-S-03, the Stabilization Building pad has a containment volume of 1,403 gallons. It is unclear what values went into this calculation from the drawing. Confirm that the volume calculation is correct for the pad.
6. **Appendices 1-4, 7, and 10** were not in the Application received by EPA on March 22, 2016. Insert these appendices into the revised application and update information in these appendices, if applicable.
7. **Appendix 5, Resumes of Principals and Key Personnel.** Confirm that the resumes in this section are for current principals and key personnel. If these resumes are not up to date, revise this section accordingly.
8. **Appendix 6, Compliance History.** Provide an updated compliance history in accordance with § 761.65(d)(3)(iv) and include it in Appendix 6 to the application.

9. **Appendix 11, Spill Prevention Control and Countermeasure Plan (SPCC) Plan.** The SPCC Plan must be reviewed every 5 years. The one included in Appendix 11 was signed on 3/23/2009. Include an updated SPCC Plan in Appendix 11.
10. **Appendix 12, Health and Safety Plan (HASP).** This plan is dated December 6, 2000. If an updated HASP has been prepared for the Clean Harbors SGRR facility, then include that in Appendix 12.
11. **Appendix 12, Health and Safety Plan.** This HASP mainly discusses training. It should discuss the types of wastes handled at the facility and hazards associated with each, the proper personal protective equipment (PPE) required for different job tasks, any environmental/air monitoring performed, emergency contact phone numbers, weather-related precautions, and any other information pertinent to the health and safety of workers and visitors to the facility.
12. **Appendix 13, Sampling Plan.** Include the analytical procedure to be utilized to analyze the samples for PCBs in this section.

#### **Comments Specific to Appendix 8, Closure Plan**

13. **Section 5.1.2, Decontamination/Closure Standards.** Item number 1 refers to §761.60(b)(5) for disposal of piping and ancillary equipment. The regulation cited is specific to natural gas pipelines. Change §761.60(b)(5) to §761.60(b)(6).
14. **Section 5.1.2, Decontamination/Closure Standards.** Item number 2 refers to a triple-rinse procedure in accordance with §761.79(a). The regulation cited does not contain decontamination procedures. Item number 2 should refer to 1) decontamination to the decontamination standards in §761.79(b) and/or 2) the self-implementing decontamination procedures in §761.79(c). Refer to §761.79(c) for specific decontamination procedures for the items being decontaminated. Revise item No. 2 to be consistent with the procedures in §761.79.
15. **Section 5.1.2, Decontamination/Closure Standards.** For item number 3, how will it be determined that a porous item is contaminated with PCBs? This needs to be stated in the closure plan.
16. **Section 5.2.2, Concrete Floors and Walls, Decontamination/Closure Standards.** The cleanup standard of  $\leq 25$  ppm PCBs listed in item number 1 is for low occupancy areas which would limit the future use of these areas. The standard for high occupancy areas is  $\leq 1$  ppm PCBs. Refer to the definitions of high occupancy area and low occupancy area in §761.3 and confirm that the low occupancy standard is applicable.
17. **Section 5.2.2, Concrete Floors and Walls, Decontamination/Closure Standards.** Item number 3 states that destructive sampling will be done for concrete. This should be described in Section 6.0, Sampling Procedures.
18. **Section 5.2.3, Concrete Floors and Walls, Materials and Procedures for Decontamination/ Closure.** This section discusses decontamination of concrete. It should be noted that concrete is a porous surface and that decontamination to a cleanup level may not be possible. It may be necessary to remove the concrete and dispose of it as PCB remediation waste. This option should be added to this section as an alternative in case decontamination is not successful.



19. **Closure Plan, Section 5.3.3.1.** This section states that “soil contaminated with PCBs shall be decontaminated to 25 ppm PCBs by weight”. Should the word “decontaminated” be replaced with “excavated”? In addition, as stated in comment 16, a cleanup level of 25 ppm PCBs will restrict future use of the area remediated to this standard.
20. **Section 6.0, Sampling Procedures.** This section has a subsection for wipe testing protocol but no subsection for destructive sampling. Add a subsection to describe destructive sampling procedures. In addition, each set of procedures should list the type of materials for which the procedure is applicable.
21. **Section 6.0, Sampling Procedures.** This section does not state the analytical methodology to be used for PCB analysis. The methodology should include a description of the preparation/extraction procedures to be used for the different matrices (wipe, concrete, soil, etc.) as well as the analytical procedure. Add analytical methodology to Section 6.
22. **Section 6.0, Sampling Procedures.** In accordance with §761.65(e)(1)(iv), the closure plan should include the methods for “the criteria for determining the extent of removal or decontamination.” In this section, describe SGRR’s plan for characterization sampling or provide reasoning as to why it is not needed.
23. **Section 6.1, Sample Number and Location.** This section should state the estimated number of samples per sampling area and the locations anticipated. Just stating the guidance manual to be used is not sufficient. Revise this section accordingly.
24. **Section 6.4, Decontamination Criteria.** This section should state the verification cleanup standards including the cleanup standard for wipe samples which is not mentioned in the closure plan. Add verification cleanup standard for wipe samples to this section (see § 761.79).
25. **Appendix 9, Closure Cost Estimate.** The Closure Cost Estimate must be reviewed by CHSGRR to ensure that it matches the changes made to the revised Closure Plan. Based on the review, update the Closure Cost Estimate and describe to EPA what changes have been made to the Closure Cost Estimate.
26. **Appendix 9, Closure Cost Estimate.** The closure cost estimate is not certified. In accordance with §761.65(f)(1), the closure cost estimate must be certified by the person that prepared it (using the certification defined in §761.3). Certify the closure cost estimate.
27. **Appendix 15, Financial Assurance Mechanism.** Appendix 15 does not have CHSGRR’s current financial assurance mechanism for TSCA closure. Update Appendix 15 with the current information.